

**ADMINISTRATIVE ARRANGEMENT  
FOR THE IMPLEMENTATION OF THE AGREEMENT  
BETWEEN  
THE CZECH REPUBLIC  
AND  
THE FEDERATIVE REPUBLIC OF BRAZIL  
ON SOCIAL SECURITY**

Pursuant to Article 18, paragraph 2, subparagraph a) of the Agreement between the Czech Republic and the Federative Republic of Brazil on Social Security, signed at ~~BRAZILIA~~ on ~~DECEMBER 09~~. 2010...., hereinafter referred to as the Agreement, the Competent Authorities of the two Contracting States in mutual agreement establish the following provisions:

**PART I  
GENERAL PROVISIONS**

**Article 1 - Definitions**

The terms used in this Administrative Arrangement shall have the meaning assigned to them in Article 1 of the Agreement.

**Article 2 - Competent institutions**

The following competent institutions are responsible for the implementation of the Agreement:

- I. In the Czech Republic:
  - a) the Czech Social Security Administration (Česká správa sociálního zabezpečení – ČSSZ) and its regional offices; and
  - b) social security units of the Ministries of Defense, Interior and Justice.
- II. In the Federative Republic of Brazil:
  - a) the National Institute for Social Security (Instituto Nacional do Seguro Social - INSS) in relation to the legislation of the General Social Security Scheme;  
and
  - b) the management units of the Social Security Schemes for Civil Servants in relation to the legislation of the federative government social security schemes.

**Article 3 - Liaison bodies**

1. Pursuant to Article 18, paragraph 2, subparagraph c) of the Agreement, the designated liaison bodies are:

- a) For the Czech Republic: the Czech Social Security Administration (ČSSZ);
- b) For the Federative Republic of Brazil: the National Institute for Social Security (INSS).

2. For the purpose of implementing the Agreement, the designated liaison bodies assist one another and may communicate directly with each other, as well as with competent authorities, competent institutions, and interested persons or their representatives.

3. The liaison bodies will agree jointly on the forms and detailed procedures necessary to implement the Agreement and the Administrative Arrangement. The competent institutions or liaison bodies of both Contracting States may refuse to accept a claim for a benefit or any other request or certificate if it is not submitted on the agreed form.

## **PART II PROVISIONS REGARDING APPLICABLE LEGISLATION**

### **Article 4 - Certificate concerning applicable legislation**

1. When the legislation of a Contracting State is applicable in cases provided for in Article 8 of the Agreement, the competent institution shall, at the request of the employer, issue a posting certificate attesting that the employed person remains subject to the legislation of that Contracting State, indicating the period of posting in the territory of the other Contracting State, which may not exceed 36 months.

2. The posting certificate will ensure that the person concerned is not subject to the legislation of the Contracting State in which the activity is to be performed for which the certificate was issued.

In case of persons mentioned in Article 25 paragraph 4 of the Agreement the posting certificate should be requested within 12 months after the entry into force of the Agreement with the effect of this certificate from this date.

3. The competent institution issuing the posting certificate shall send a copy to the competent institution of the other Contracting State.

4. The employee shall keep the posting certificate while in the territory of the other Contracting State and present it, if necessary, to the competent body of that Contracting State.

5. In the event of an early return of the employee, in respect of the period of posting initially planned, the employee or his/her employer shall notify the return to the competent institution of the Contracting State, which issued the certificate, so it may inform the competent institution of the other Contracting State.

6. For agreement on exceptions under Article 13 of the Agreement:

a) Following competent institutions are designated:

i. In the Czech Republic: the Czech Social Security Administration (Česká správa sociálního zabezpečení – ČSSZ);

ii. In the Federative Republic of Brazil: the National Institute for Social Security (Instituto Nacional do Seguro Social - INSS).

b) An employee and his/her employer submit the joint request on exception in written form to the competent institution of the Contracting State whose legislation has to be applied pursuant to the request. The request of a self-employed person shall be submitted analogically.

The request on exception to the application of the legislation of the Contracting State of persons referred to in Article 8 of the Agreement should be submitted before the end of the running term of posting.

c) The agreement on exception shall be attested by a certificate issued and handled in accordance with previous paragraphs of this Article.

### **PART III PROVISIONS ON PENSION BENEFITS**

#### **Article 5 - Totalization of insurance periods**

For the purpose of implementing the Agreement, the competent institutions of the Contracting States shall certify, on a specific and agreed form, the periods of insurance completed under their legislation.

#### **Article 6 - Application for benefits**

1. In order to qualify for the benefits provided for in the provisions of the Agreement, the claim is submitted preferably at the competent institution of the Contracting State of residence.

2. The competent institutions shall send to the competent institution of the other Contracting State, without delay, either directly or through liaison bodies, the requests of the persons concerned, as well as the form certifying the periods of insurance, specially elaborated for such purpose, as per Article 5 of this Administrative Arrangement, and any other documents necessary to determine the right to benefits.

3. If no period of insurance has been completed by the claimant under the legislation of the Contracting State in which territory the request was made, the competent institution shall send the application, immediately, together with all necessary documents, to the competent institution of the other Contracting State.

4. The competent institutions shall inform each other of any facts relevant to the determination of the entitlement to benefits.

5. Before sending the documents referred to in paragraphs 2 and 3 of this Article, the competent institution of the Contracting State, in which the request is made, shall specify the date of the request and certify the accuracy of the applicant's personal identification data. That validation of the documents will replace the sending of original documents proving such information. In case of doubt, these documents may be requested.

#### **Article 7 - Notification of decisions**

1. Each competent institution shall determine the rights of the applicant under the provisions of the Agreement and shall notify the interested party of the decision, indicating the means and deadlines for appeals and at the same time send a copy to the competent institution of the other Contracting State.

2. Failure to comply with the deadlines provided for in the legislation of each Contracting State, in order to fulfill the requirements necessary for the recognition of the right may lead to denial of the benefit. This is without prejudice to the new examination of the application if the requirements are subsequently fulfilled.

### **PART IV MISCELLANEOUS PROVISIONS**

#### **Article 8 - Exchange of medical information**

1. If a benefit request demands medical examination, the competent institution of the Contracting State in the territory of which the applicant lives shall perform such examination free of charge and, in accordance with the laws of that Contracting

State, send all medical information and any available documentation regarding the incapacity of the applicant or beneficiary to the competent institution of the other Contracting State.

2. If the competent institution deems it necessary, additional examinations may be requested.

3. The competent institutions shall have, however, the right to carry out a medical examination of the person concerned by a doctor of their choice.

#### **Article 9 - Payment of benefits**

1. The competent institutions shall pay benefits to the beneficiary residing in the territory of the other Contracting State or the third State, within the time limits and in the manner established by the applicable legislation.

2. Beneficiaries are obliged to submit to the competent institution of the Contracting State, which pays the benefit, either directly or through the liaison bodies, a certificate of life issued in accordance with the legislation of this Contracting State.

#### **Article 10 - Bank account information**

Beneficiaries, either directly or through the competent institution or liaison body, shall send the necessary bank account information to the competent institution of the Contracting State making the payments.

#### **Article 11 - Statistics**

The competent institutions shall exchange annual statistics on posting certificates issued and payments made to beneficiaries according to the Agreement in a form to be defined between the liaison bodies.

#### **Article 12 - Information exchange**

1. With regard to the notification duty contained in a national legislation persons receiving benefits granted under the legislation of one of the Contracting States and residing in the territory of the other Contracting State shall communicate to the competent institution or liaison body any changes concerning their personal or family situation, their state of health, work capacity, income, and any other circumstance likely to influence their rights or obligations under the legislation mentioned in Article 2 and other provisions of the Agreement.

2. The competent institutions of both Contracting States shall mutually support each other and exchange, either directly or through liaison bodies, all the available information that may interfere with the entitlement to benefits or changes in their respective legislation that may affect its application.

3. Liaison bodies may agree on the use of electronic exchange of data between competent institutions. In this case, the data and documents exchanged electronically shall be legally valid for both Contracting States.

### **Article 13 - Confidentiality of personal data**

All personal information referred to in this Administrative Arrangement may be used only within the scope of the Agreement and in accordance with the legislation on confidentiality of personal data of the Contracting States.

### **Article 14 - Recovery of undue payments**

The competent institutions shall take the necessary measures for the recovery of amounts unduly paid, in accordance with Article 22 of the Agreement.

### **Article 15 - Recovery of payment of a benefit**

Where a person has recovered the entitlement, after the suspension of a benefit, while residing in the territory of the other Contracting State, the competent institutions shall exchange necessary information in order to reinstate the payment of the benefit.

### **Article 16 - Entry into force and duration**

This Administrative Arrangement shall enter into force on the same date as the Agreement and shall have the same duration.

Done at BRASÍLIA on 09 OF DECEMBER 2020, in two original copies, each in the Czech, Portuguese and English languages, all texts being equally authentic. In case of differences of interpretation, the English text shall prevail.

For the competent authority  
of the Czech Republic

For the competent authority  
of the Federative Republic of Brazil